

### **REMARKS**

This amendment is intended as a full and complete response to the non-final Office Action dated July 1, 2005. In the Office Action, Claims 5-8, 18, 19 and 26-30 are pending. Claims 5-7, 18, 27 and 28 are indicated as being allowable, Claims 8, 19 and 26 are rejected and Claims 29 and 30 are objected to.

By this amendment, Claims 7, 19 and 26 have been amended, Claim 8 has been canceled, new Claims 36-38 have been added, and Claims 5, 6, 18, and 27-30 continue unamended. Further, the applicant thanks the Examiner for indicating allowability of Claims 5-7, 18, 27 and 28.

In view of both the amendments presented above and the following discussion, the applicants submit that none of the claims now pending in the application are deemed as double patenting with the issued parent patent 6,626,466 or indefinite under the respective provisions of 35 U.S.C. § 101 and §112. Thus, the Applicant believes that all of these claims are now in allowable form.

### **OBJECTIONS**

#### **A. Allowable Subject Matter:**

The Examiner has objected to Claims 29 and 30 as being dependent upon a rejected base claim. The Examiner concludes that these claims would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims.

The indication of the allowable subject matter with respect to these claims is acknowledged. However, in view of the amendments and discussions set forth herein, the Applicant believes base Claim 26 (and all intervening claims) is in allowable form and, as such, the dependent Claims 29 and 30, as they stand, are therefore in allowable condition. Therefore, the Applicant respectfully requests that the foregoing objections to Claims 29 and 30 be withdrawn.

B. In the Specification:

The Abstract of the disclosure has been objected to for including the phrase “the present invention” and the use of the word “means.” The Abstract is amended herein to conform to the rules of practice. Therefore, withdrawal of the objection to the Abstract is respectfully requested.

REJECTIONS

A. Double Patenting:

1. Claim 19

Claim 19 has been rejected under 35 U.S.C. § 101 with regard to prior U.S. Patent No. 6,626,466, which issued to Applicant.

Independent Claim 19 has been amended to further define the features that are considered inventive. In particular, Claim 19 has been amended to read as follows:

“In a series of successively sized segmented pipe couplings, each coupling adapted to securably connect the similarly configured and sized pipe ends of juxtaposed pipes;

each one of said series of segmented pipe couplings comprising two arcuate segments to be assembled in arcuate end-to-end relationship for encircling the juxtaposed ends of the pipes to be coupled;

each of said coupling segments including:

radially inwardly extending and axially spaced first and second keys, said first keys of the juxtaposed coupling segments being in circumferential alignment, and said second keys of the juxtaposed coupling segments being in circumferential alignment, each of said first and second keys being adapted to cooperatively engage a peripheral groove about the outer circumference of one of the juxtaposed pipe ends, and

bolt receiving pads at the ends of each of said coupling segments for receiving bolts to securably maintain the individual coupling segments of each series about the juxtaposed pipe ends, with the tightening of said bolts bringing the bolt pads together to urge the individual coupling segments radially inward to produce a reduction in the internal circumference of the coupling and cause clamping engagement with the pipe exterior, with said keys being tightly retained

within their respective pipe recesses when said bolts are in their fully tightened condition;

each one of said series having a different diameter and intended to couple together two pipes having the same pipe diameter;

each first segmented pipe coupling in a first one of said series having a first diameter and each second segmented pipe coupling in a second one of said series having a second diameter, said second segmented pipe couplings being the next successively sized couplings within said series after said first segmented pipe couplings, with said second diameter being greater than said first diameter,

said first segmented pipe couplings being intended to couple together pipes having respective pipe diameters that are different from the respective pipe diameters of pipes that said second segmented pipe couplings are intended to couple together,

wherein said coupling segments in any one of said series are identical to each other and symmetric such that each bolt pad on any coupling segment in any one of said series is alignable into a fully bolt tightened connection with any bolt pad of any other coupling segment in that one of said series,

the improvement comprising:

anti-mismatch means provided on the individual ones of said coupling segments for preventing the fully bolt tightened connection of a coupling segment of said first one of said series to a coupling segment of said second one of said series, said second diameter being only slightly greater than said first diameter,

said anti-mismatch means being a projection on a first of said coupling segments in each of said series, and a recess on a second of said coupling segments of each of said series;

wherein each anti-mismatch means provided on the coupling segments of said first one of said series has a first structural symmetry and each anti-mismatch means provided on the coupling segments of said second one of said series has a second structural symmetry different from said first structural symmetry, such that any two of the coupling segments of said first one of said series will nest together with matching symmetries, any two of the coupling segments of said second one of said series will nest together with matching symmetries, but any coupling segment of said first one of said series is prevented from nesting with any coupling segment of said second one of said series by their different symmetries,

wherein the location of said projection and recess in said second one of said series being the reverse of said first one of said series, such that if the two coupling segments of the same one of said first or second series are in juxtaposition a projection of each coupling segment will enter a recess of the other coupling segment to permit close engagement therebetween, and if a coupling segment of said first series is in juxtaposition to a coupling segment of said second series their projections will abut to prevent close engagement therebetween.”

In this regard, the following three paragraphs have been deleted from claim 19:

- a) the projection and recess of said first one of said series configured and located to nest as their coupling segments are bolt tightened, such that the ends of said coupling segments are brought together in close proximity to encircle a pipe of a diameter corresponding to said first diameter; and
  - b) the projection and recess of said second one of said series configured and located to nest as their coupling segments are bolt tightened, such that the ends of said coupling segments are brought together in close proximity to encircle a pipe of a diameter corresponding to said second diameter;
- and
- c) the orientation of said projection and recess of said first one of said series differing from the orientation of said projection and recess of said second one of said series such that said projections of their respective segmented pipe couplings abut and provide an interference relationship opposing the bolted connection of an arcuate coupling segment of said first one of said series to an arcuate coupling segment of said second one of said series;

Furthermore, the above-mentioned paragraphs labeled a) and b) respectively are now recited in new dependent Claim 36, which depends from independent Claim 19. Moreover, the paragraph labeled c) is now recited in new dependent Claim 37, which depends from new Claim 36.

## 2. Claim 26

Claim 26 has been rejected under 35 U.S.C. § 101 with regard to U.S. Patent No. 6,626,466 issued to Applicant.

Independent Claim 26 has been amended to further emphasize significant features of the invention. In particular, the relevant paragraphs of Claim 26 have been changed as follows:

“the first and second members of said first one of said series of segmented pipe couplings configured and located to nest as their coupling segments are bolt

tightened, such that the ends of said coupling segments are brought together in close proximity to encircle a pipe of a diameter corresponding to said first diameter;

the first and second members of said second ones of said series of pipe couplings configured and located to nest as their coupling segments are bolt tightened, such that the ends of said coupling segments are brought together in close proximity to encircle a pipe of a diameter corresponding to said second diameter;”

now reads as:

“the first and second members of said first one of said series of segmented pipe couplings configured and located to nest as their coupling segments are bolt tightened,

the first and second members of said second ones of said series of pipe couplings configured and located to nest as their coupling segments are bolt tightened,”

As such, it is respectfully submitted that Claims 19 and 26 are patentable under the provisions of 35 U.S.C. § 101. Withdrawal of the rejection under 35 U.S.C. § 101 is respectfully requested.

B. 35 U.S.C. § 112

1. Claim 8

Claim 8 has been rejected under 35 U.S.C. § 112. In particular, Claim 8 includes the same recitations as recited in independent Claim 7, from which Claim 8 depends.

Claim 8 has been canceled herein without prejudice. Accordingly, the rejection of Claim 8 is now considered moot.

Further, new Claim 38 has been added. Claim 38 is identical to Claim 7, except the following paragraph was deleted:

“wherein said interference relationship provides a separation gap between the bolt pads of juxtaposed coupling segments of said first and second ones of said series, preventing the bringing together of the bolt pads of juxtaposed coupling segments of said first and second series to their fully tightened condition,”

It is respectfully submitted that new Claim 38 is not disclosed or rendered obvious by the art of record, as considered individually or in combination, in whole or in part.

**Conclusion**

In view of both the amendments and discussion presented herein, it is respectfully submitted that the present Amendment responds to all of the issues raised in the Office Action. Thus, it is submitted that Claims 5-7, 18, 19, 26-30 and 36-38 are in condition for allowance. Accordingly, reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues in any of the claims now pending in the application, we respectfully request that the Examiner telephone Mr. Joseph J. Catanzaro at (212) 949-9022 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

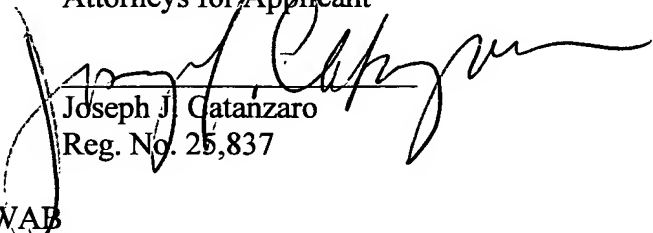
The Commissioner is hereby authorized to charge any fees, or to credit any overpayment, due by reason of this Amendment to Deposit Account No. 01-0035.

Please note the new address set forth on the concurrently-filed Change of Address notice. The Examiner's assistance is respectfully requested in assuring that the new address (which also appears below) is entered in the Office records for all future correspondence.

All correspondence should continue to be directed to the address below.

Respectfully submitted,

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